

IN THE DRAWINGS

The attached sheet of drawings includes changes to Fig. 3. This sheet, which includes Fig. 3, replaces the original sheet including Fig. 3.

Attachment: Replacement Sheet (1)

REMARKS/ARGUMENTS

Favorable consideration of this application, in light of the following discussion, is respectfully requested.

Claims 1-11 are presently pending in this application, Claims 1-8 having been amended and Claims 9-11 having been added by the present amendment.

In the outstanding Office Action, the drawings were objected to because of informalities; Claims 1-5, 7 and 8 were rejected under 35 U.S.C. §112, second paragraph, for being indefinite; and Claims 1 and 6 were rejected under 35 U.S.C. §102(b) as being anticipated by Ikeda et al. (U.S. Patent 5,390,632). However, Claims 2-5, 7 and 8 were indicated as including allowable subject matter.

First, Applicant acknowledges with appreciation the indication that Claims 2-5, 7 and 8 include allowable subject matter. However, Claims 2-5, 7 and 8 are presently maintained in their respective dependent forms, because Applicant believes that Claim 1 as currently amended includes allowable subject matter.

In response to the objection to the drawings, submitted herewith is a separate LETTER SUBMITTING REPLACEMENT DRAWING SHEET, submitting for approval changes to Figure 3. Specifically, Figure 3 has been amended to remove Reference Numerals 25 and 26 as pointed out by the Examiner.

Claims 1-8 have been amended and Claims 9-11 have been newly added herein. These amendments and additions in the claims are believed to be supported by the original specification, claims and drawings as originally filed. For example, Claims 1 and 6 are believed to be supported by Figure 3 and page 11, lines 6-15, of the specification, and Claims 9-11 are believed to be supported as in Claims 2, 4 and 5. Also, in response to the rejection under 35 U.S.C. §112, second paragraph, Claims 1-8 have been amended for clarification.

Hence, no new matter is believed to be added thereby. If, however, the Examiner disagrees with any of the amendments presented above, the Examiner is invited to telephone the undersigned who will be happy to work in a joint effort to derive mutually agreeable language.

Before addressing the outstanding Office Action, a brief summary of Claim 1 as currently amended is believed to be helpful. Claim 1 is directed to a method for controlling an electronically controlled thermostat, and the method includes providing an actuator which varies a valve-opening ratio so as to control a temperature of cooling-water to an internal combustion engine- and an engine control unit which computes a target temperature based on engine parameters and to distribute a power to the actuator, monitoring an actual temperature of the cooling water flowing out from a cooling water outlet of the internal combustion engine, determining an amount of the power to be distributed to the actuator based on only the actual temperature of the cooling water, and distributing the amount of the power required to operate the actuator such that the temperature of the cooling water reaches the target temperature. By monitoring an actual temperature of the cooling water and determining an amount of the power to be distributed to the actuator as such, the cooling water temperature is appropriately and efficiently controlled irrespective of other variables such as an engine load fluctuation in the operative state of the automobile.¹

Ikeda et al. is directed to an engine cooling system. Nevertheless, Ikeda et al. does not teach or suggest “monitoring an actual temperature of the cooling water flowing out from a cooling water outlet of the internal combustion engine; determining an amount of the power to be distributed to the actuator based on only the actual temperature of the cooling water” as recited in amended Claim 1. On the other hand, Ikeda et al. describes as follows:

¹ See the present specification, page 21, lines 16-23.

“To achieve the above object, according to a first aspect and feature of the present invention, there is provided an engine cooling system comprising a cooling water circulation circuit interconnecting an engine body and a radiator, a bypass circuit connected to the cooling water circulation circuit to bypass the radiator, an electric-powered variable displacement water pump disposed in the cooling water circulation circuit adjacent an engine inlet, a flow rate control valve for controlling the flow rate of cooling water flowing through the radiator, an outlet water temperature detector for detecting the engine outlet water temperature in the cooling water circulation circuit, an inlet water temperature detector for detecting the engine inlet water temperature in the cooling water circulation circuit, and *a control means for controlling the operation of the water pump in accordance with at least the engine outlet water temperature and controlling the operation of the flow rate control valve in accordance with at least the engine inlet water temperature.*” (emphasis added in italic)

“The control means 14 controls the operations of the flow rate control valve 3, the water pump 4, the switchover valve 5, the control valve 9 and the fan 13 in accordance with the above-described temperatures T_{WO} , T_{WI} , T_{WR} , T_O , T_D , and T_R , the engine speed N_E , as well as the engine intake pressure P_B . According to the present invention, *the water pump 4 is controlled in accordance with at least the engine outlet water temperature T_{WO} , and the flow rate control valve 3 is controlled in accordance with at least the engine inlet water temperature T_{WI} .* Control procedures established in the control means 14 for the control of the operations of the water pump 4 and the flow rate control valve 3 will be described below.” (emphasis added in italic)

That is, Ikeda et al. states that rather than the flow rate control valve 3, the water pump 4 is controlled based on the engine outlet water temperature.” Therefore, the subject matter recited in Claim 1 is distinguishable from Ikeda et al. and thus is not anticipated thereby. Furthermore, because Ikeda et al. fails to disclose the monitoring and determining steps as recited in Claim 1, it is not believed to render the method recited in Claim 1 obvious.

Likewise, Claim 6 is believed to include subject matter substantially similar to what is recited in Claim 1 to the extent discussed above. Thus, Claim 6 is also distinguishable from Ikeda et al.

For the foregoing reasons, Claims 1 and 6 are believed to be allowable. Furthermore, since Claims 2-5 and 7-11 ultimately depend from either Claim 1 or 6, substantially the same

arguments set forth above also apply to these dependent claims. Hence, Claims 2-5 and 7-11 are believed to be allowable as well.

In view of the amendments and discussions presented above, Applicant respectfully submits that the present application is in condition for allowance, and an early action favorable to that effect is earnestly solicited.

Respectfully submitted,

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